

Recidivism

Returns to Prison: Impact of DOSA Revocations

Recidivism is a measure of success that is commonly used in the criminal justice field. It is one of the most important measures people use to determine how well an offender program is working. Caution should be used, however, when interpreting and comparing recidivism rates. You may discover different outcomes depending on the definition of recidivism that is used.

The Drug Offender Sentencing Alternative (DOSA) was first passed by the legislature in 1995. The DOSA law was revised in 1999 and is often referred to as DOSA 2.¹ DOSA offenders may return to prison as a result of being found guilty of a technical violation where the sentence was revoked, having a new felony conviction, or a combination of both.

The first offenders sentenced under DOSA 2 were released from prison in 2000. Because several years must pass before we can calculate recidivism, we have only begun to see the impacts of DOSA revocations on recidivism rates. Five-year recidivism data will be available for the year 2000 releases from prison beginning next year. Therefore, the Department will need to decide how to count DOSA revocations. In previous years, parole violations have been included in the definition of recidivism because a new minimum term is set for indeterminate sentences. Revoked DOSA sentences also receive a new minimum term, but differ from parole violations because they are determinate sentences. If a DOSA sentence is revoked, the offender would serve the remainder of the original sentence in prison. A DOSA offender who is revoked for a technical violation does not spend nearly as much time in prison as parole violators.

The following tables display the recidivism rates for offenders released from prison during 2000 through 2003 counting DOSA returns in two different manners.

Table 1 shows recidivism rates for offenders with a new felony conviction as it has been counted in the past. DOSA offenders who are returning with a new felony conviction, regardless of whether or not their DOSA sentence was revoked, are included in this data. It does not include DOSA offenders whose sentences were revoked exclusively because of a technical violation.

Table 2 shows recidivism rates for offenders with new felony convictions as well as DOSA offenders whose sentences were revoked solely due to a technical violation.

Table 1

PERCENT RETURNED TO PRISON BY YEAR OF RETURN					
EXCLUDING DOSA REVOCATIONS DUE TO A TECHNICAL VIOLATION					
Release Year	# Released	Year 1	Year 2	Year 3	Year 4
2000	6068	10.8	11.7	6.7	4.9
2001	6469	11.6	12.4	6.8	
2002	6880	11.5	11.4		
2003	7753	11.0			
Average		11.2	11.8	6.8	4.9

Table 2

PERCENT RETURNED TO PRISON BY YEAR OF RETURN					
INCLUDING DOSA REVOCATIONS DUE TO A TECHNICAL VIOLATION					
Release Year	# Released	Year 1	Year 2	Year 3	Year 4
2000	6068	11.0	11.8	6.8	4.9
2001	6469	12.3	13.9	7.3	
2002	6880	13.6	13.5		
2003	7753	13.9			
Average		12.7	13.1	7.1	4.9

When comparing the two counting methods, we see higher recidivism rates when including DOSA revocations due to a technical violation as a return to prison. The first year average went from 11.2 percent to 12.7 percent, which is a 13 percent increase in the rate of offenders returned to prison within the first year. The second year average went from 11.8 percent to 13.1 percent; a 10 percent increase in the recidivism rate. The third year average went from 6.8 percent to 7.1 percent; a 4 percent increase for the third year. And there was no increase for the fourth year.

Chart 1 shows the difference in the percent returned to prison within one year of release when revocations with a technical violation are included. We see a clear trend in the recidivism rate as it increases slightly each year for all four years. When revocations for technical violations are not counted, a trend is not visible.

The Department of Corrections has historically reported recidivism as “an offender’s return to a Washington State adult correctional facility resulting from a new felony conviction or parole violation by an offender who has either been discharged or paroled from such a facility.”² Recidivism is measured within five years of the offender’s release from prison using data obtained from the Offender Based Tracking System (OBTS). **Table 3** shows recidivism rates for release years 1985 through 1999 using that definition.

Chart 1

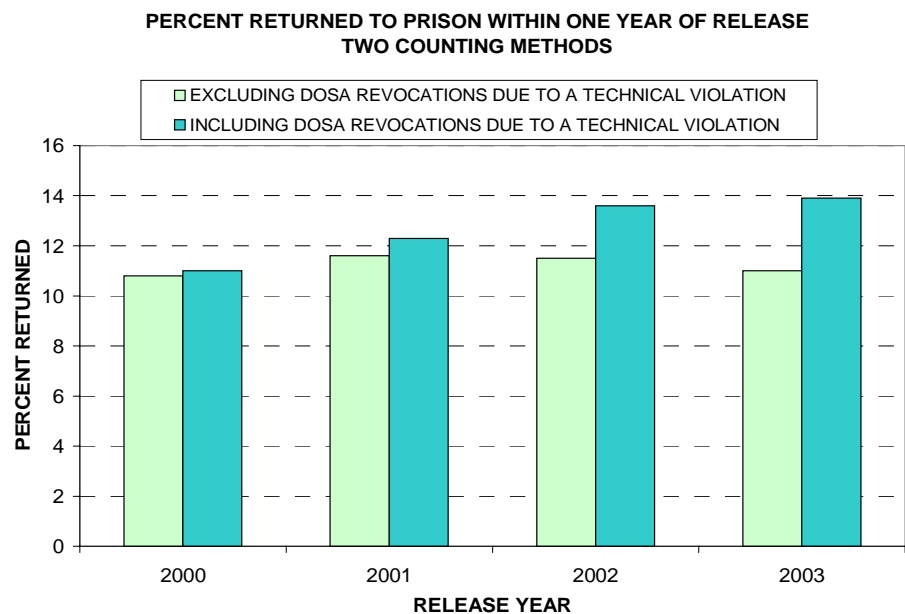


Table 3

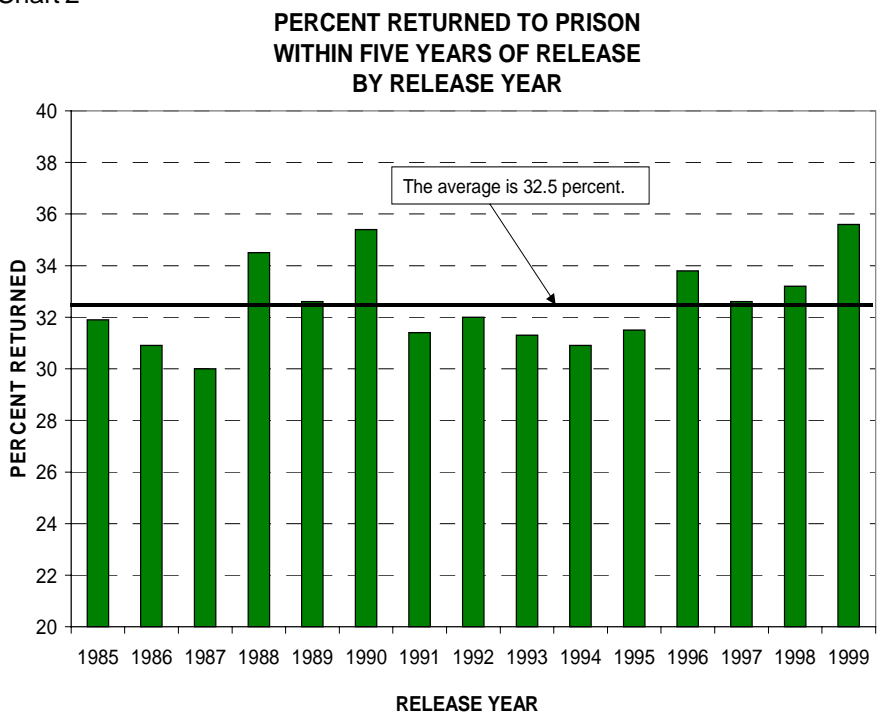
PERCENT RETURNED TO PRISON BY YEAR OF RETURN							
Release Year	# Released	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
1985	2308	10.2	9.4	4.7	4.2	3.4	31.9
1986	2661	9.3	8.3	5.0	4.8	3.5	30.9
1987	2919	8.8	8.5	6.5	3.7	2.5	30.0
1988	3247	12.1	10.9	6.5	3.6	1.4	34.5
1989	2873	12.3	10.0	5.4	2.7	2.2	32.6
1990	3229	12.1	11.0	5.8	4.1	2.4	35.4
1991	3312	10.9	8.9	5.3	3.5	2.8	31.4
1992	4078	8.9	9.4	6.0	4.6	3.1	32.0
1993	4301	8.8	9.8	6.1	3.8	2.8	31.3
1994	4515	8.8	9.0	6.1	3.9	3.1	30.9
1995	4520	9.3	9.1	6.2	4.0	2.9	31.5
1996	4684	9.8	10.4	6.2	4.3	3.1	33.8
1997	5131	9.7	9.2	6.5	4.2	3.0	32.6
1998	5302	9.1	10.3	6.4	4.6	2.8	33.2
1999	5618	9.7	11.3	7.1	4.5	3.0	35.6
Average							32.5

The average percent returned to prison within five years of release is 32.5. Offenders released in 1999 represents the highest five-year total (35.6) percent since the Department began tracking recidivism using OBTS.

Chart 2 illustrates five-year recidivism rates for the last 15 years. The horizontal line in the chart shows the average at 32.5 percent.

Although recidivism is the most common measure of success, it is also the most complicated measure. In order to understand recidivism better, first ask yourself the following key questions.

Chart 2



- **Who** is included in the study population? For example, you might want to determine if the study population includes offenders who released out-of-state.
- **What** is the definition of recidivism being used? As we have seen in the analysis presented here, there are clear differences in recidivism rates depending on how DOSA revocations are counted.
- **When** did they recidivate? It is important to know the “at-risk” period in which offenders will be counted as a recidivist – 1, 3 or even 5 years from release. This is particularly important when comparing recidivism rates across agencies.
- **Where** did they serve their sentence? For example, one can count recidivism for offenders releasing from prison or for offenders serving sentences in the community.
- **Why** count recidivism? Recidivism is an important measure commonly used by many correctional agencies. Furthermore, it is important to understand how organizations define success.

The findings of this Briefing Paper demonstrate that the definition of recidivism is important to understanding the data being presented. The Department will have to decide whether or not to include DOSA revocations with a technical violation when reporting recidivism rates in the future.

¹ For more detailed information on DOSA offenders see: *Drug Offender Sentencing Alternative Statistical Summary*. (2005). Washington State Department of Corrections. Budget, Research, and Strategic Planning Office.

² *Recidivism Briefing Paper No. 21*. (2004). Washington State Department of Corrections. Budget Research, and Strategic Planning Office.